

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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W.P.Nos.18991, 18992, 18993 & 18994 of 2013

W.P.No.18991/2013

Between:

M/s. Gontuvanipalem Girijana Quarry Workers Industrial
Co-operative Society, Gontuvanipalem Village,
Rep. by its President Pallala Bodiyya.

... Petitioner

And

1. The Government of Andhra Pradesh, rep. by its Principal
Secretary, Forest and Environment Department, Secretariat,
Hyderabad, and others.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 18-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment | Yes/No |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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COMMON ORDER:

The petitioners state that they belong to Scheduled Tribe Community and are the members of M/s. Gontuvanipalem Girijana Quarry Workers Industrial Co-operative Society, situated at Gontuvanipalem Village, Addateegala Mandal, East Godavari District. They made application dated 18.02.2006 before the 3rd respondent for grant of quarry lease for road metal in Sy.No.207/1 of Gontuvanipalem Village, Addateegala Mandal, East Godavari District. Accordingly the 3rd respondent vide proceedings dated 4.07.2008 accorded permission for a period of 10 years with effect from 4.07.2008 to 3.07.2018 subject to provisions of A.P. Minor Mineral Concession Rules, 1966. Thereafter, the petitioners deposited security deposit apart from seignorage fee. When the petitioners approached the 3rd respondent for grant of dispatch permits for the road metal excavated by them in the leased out premises, the 3rd respondent refused to grant permission on the ground that the 2nd respondent has addressed a letter dated 16.04.2013 stating that 1230 acres of land in R.S.No.207/1 of Gontuvanipalem Village was notified as protected forest area under Section 24(10) of the A.P. Forest Act. When the authorised officials were interfering with their quarrying activity, the present writ petitions are filed.

The 2nd respondent-Divisional Forest Officer filed counter affidavit stating as follows:

“The Sy.No.207/1 in an extent of 500 Acre approx (1235 acres) was notified under Section 24 of

the A.P. Forest Act, 1967 as protected forest vide G.O.Ms.No.247/F&RD (For-III) Department, dated 22.03.1978. Divisional Forest Officer, Flying Squad Division, Rajahmundry already clarified to the Assistant Director, Mines that the Assistant Director Mines feels/confirms that the mining leased area falls out side the Forest area (1235 Acres) he can proceed as per Rules in Vogue vide Rc.No.67/2012/FSD dated 14.06.2013. Hence it is submitted that this respondent never objected the petitioner for his mining activity.”

In view of the statement of the Divisional Forest Officer, Flying Squad Division, Rajahmundry, no further orders are necessary in these writ petition.

Accordingly these writ petitions are closed recording the statement of the Divisional Forest Officer, Flying Squad Division, Rajahmundry. As a sequel miscellaneous petitions, if any, shall also closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

18th August, 2015
Js.